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May 29, 2002

12/ letter
chrysa
6/17/02

U.S. Department of Commerce
Patent and Trademark Office
Assistant Commissioner of Patents
Stanley Witkowski, Primary Examiner
Group Art Unit 2837
Washington, DC 20231

Reference: Reply to Patent Office *Notice of Abandonment* mailed 5/23/02 on Patent Application 09/655792 by Bernard H. Browne, Jr.

To: Assistant Commissioner of Patents

Please be advised that there was no abandonment committed in our patent effort as implied in the referenced communication above. Contrary to the communication referenced that was received yesterday that no extension of time was requested or paid for involving an extension to the statutory six month period for replies to the 10/04/01 PTO action, attached you will find a summarized time line concerning all communication matters. This time line clearly shows that an extension of time was requested and paid for on 2/08/02.

As proof that there was no abandonment due to timing matters, attached is a copy of my America Express bill showing the PTO acceptance of \$55.00 on 2/08/02 for the time extension of one month. Also shown is a copy of a check for an earlier time extension in April of 2001.

No. It may be noted that our last response mailed on 5/3/02 was actually within the three month response requested by the PTO in the item mailed on 2/13/02 despite the fact that all mail communications have been slowed down considerably since 9/11/01. And it actually was a second response since 10/04/01 (items 6 and 9). Also, our 5/04/04 mailed response would have apparently been acceptable without the time extension fee because there was a three month time response referenced in the 2/13/02 PTO action letter. Possibly a refund is due us.

We trust that this matter of response timing to the PTO will be cleared promptly so that we may finally declare the *Instant Musician, Recording Artist and Composer* as "patent pending."

Thank you.

Sincerely,

Bernard H. Browne, Jr.- Inventor
Author/Publisher of *America Online and Best Web Sites* book series
Byte Masters International

Attachment 1: Communications time line concerning application 09/655792.

Attachment 2: Copies of check and American Express bill showing time extension payments



COMMUNICATIONS TIME LINE CONCERNING APPLICATION 09/655792
"INSTANT MUSICIAN, RECORDING ARTIST AND COMPOSER"
by Bernard H. Browne, Jr.

Action No.	From	Dated/ Date Sent	Received	Item Description
1	Inventor	8/31/00	9/06/00	Initial patent application
2	Patent office	1/24/01		Request for 3 month reply relating to more detail required and comments concerning patents by Sitrick, Aoki, et al.
3	Inventor	4/16/01	04/19/01	30 day extension for reply requested and \$55.00 check sent and cashed for extension..
4	Inventor	5/23/01	5/29/01	Material provided as requested including more detailed specification, more drawings, more detailed claims and reasons why our application doesn't infringe upon patents of Sitrick, Aoki, et al.
5	Patent office	10/04/01		Request for 3 month reply relating to what appeared to be new material in the specification, claims, drawings; and reasons why our application doesn't infringe upon patents of Sato, Farrand, Goede, Miyano and Eller.
6	Inventor	12/24/01	01/15/02	Material provided as requested including corrections to claims and reasons why our application doesn't infringe upon the inventors' material referenced above.
7	Inventor	2/08/02		FAX to Trina at Patent Office for authorizing \$55.00 charge to inventor's American Express account for 30 day extension.
8	Patent office	2/13/02		Request for 3 month reply to address fact that amendment filed on 01/15/02 did not comply with Rule 37 CFR 1.121.
9	Inventor	5/3/02		Material provided as requested complying with 37 CFR 1.121 within the 3 months requested including: marked up original material to show amendments and clean versions of the amended abstract, specification, claims and drawings.
10	Patent office	5/23/02	5/28/02	Notice of abandonment stating that paper filed 5/03/02 was not filed on time.

BERNARD H. BROWNE, JR.
D/B/A BYTE MASTERS INTERNATIONAL
240 SAND KEY ESTATES DR. NO. 68 813-593-3717
CLEARWATER, FL 34630

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63-751/631
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April 16 2001

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FOR 30 day extension for 09/655722

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Prepared For
BERNARD H BROWNE JR

Account Number
3728-778034-71003

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Transactions Continued

Amount \$

January 27, 2002

21.51

AOL SERVICE 800-679-9444 VA
ONLINE
AOL*ONLINE SERVICE 0102
Reference: 00d9caf21 Roc Number: 0062369021

January 31, 2002

15.70

AMERADA HESS CORP CLEARWATER FL
GAS/GROCERIES 501442007733
Reference: AMERADAH

February 2, 2002

6.37

AOL SHOP DIRECT PURC888-265-7467 VA
MERCHANDISE
Reference: 124079231 Roc Number: 0064714771

February 4, 2002

13.83

ANGELLINOS OF LARGO LARGO FL
FOOD/BEVERAGE
FOOD 12.83
TIP 1.00
Reference: 067568194

February 4, 2002

14.79

AMERADA LARGO FL
GAS/GROCERIES/MISC
Reference: AMERADAH

February 8, 2002

55.75

BALLYHOO GRILL N REDINGTON BEACH FL
FOOD, DRINK
Reference: 56810228

February 8, 2002

55.00

US PATENT TRADEMARK 703-3064749 VA
GOVERNMENT SERVICES
Reference: BY000039C Roc Number: 0000005014

Activity for BERNARD H BROWNE JR

New Charges 283.24
Payments/Credits -929.89

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